

1 SENATE JOINT MEMORIAL 45

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

3 INTRODUCED BY

4 Sue Wilson Beffort

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10 A JOINT MEMORIAL

11 REQUESTING THE INTERAGENCY BEHAVIORAL HEALTH PURCHASING  
12 COLLABORATIVE AND ITS MEMBER DEPARTMENTS TO STUDY THE NEEDS OF  
13 AND AVAILABLE RESOURCES FOR PEOPLE WITH MENTAL HEALTH DISORDERS  
14 IN CRISIS SITUATIONS AND TO DEVELOP STRATEGIES TO IMPROVE  
15 SERVICES, TREATMENT AND CARE OUTSIDE OF LAW ENFORCEMENT AND  
16 DETENTION IN ORDER TO REDUCE THE NUMBER OF PEOPLE WITH MENTAL  
17 HEALTH DISORDERS WHO ARE IN DETENTION FACILITIES OR REQUIRE LAW  
18 ENFORCEMENT INTERVENTION.

19  
20 WHEREAS, one of the greatest challenges facing law  
21 enforcement agencies and detention centers is how to respond to  
22 people who have mental health disorders; and

23 WHEREAS, law enforcement agencies are the first-line  
24 responders to people with mental health disorders who are not  
25 receiving necessary treatment and care; and

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1           WHEREAS, current statute permits people with mental health  
2 disorders to be taken to detention facilities for protective  
3 custody regardless of whether they have committed criminal acts  
4 warranting arrest; and

5           WHEREAS, many people with mental health disorders are held  
6 in detention facilities for misdemeanor charges due to a lack  
7 of available treatment or community support; and

8           WHEREAS, the burden for addressing mental health issues in  
9 New Mexico communities has been left to counties where  
10 detention centers have become de facto mental health  
11 facilities; and

12           WHEREAS, detention centers are ill-equipped to deal with  
13 this population; and

14           WHEREAS, individuals with mental health disorders are not  
15 helped by incarceration; and

16           WHEREAS, the current situation exposes the state and local  
17 government to substantial liability; and

18           WHEREAS, individual agencies cannot provide the solution  
19 to this problem because it is a systemic problem that requires  
20 collaboration and development of strategies among federal,  
21 state, county and municipal government as well as health care  
22 providers and advocacy organizations;

23           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
24 STATE OF NEW MEXICO that the interagency behavioral health  
25 purchasing collaborative, through the behavioral health

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1 planning council, be requested to convene stakeholders to  
2 develop humane and effective strategies to serve people with  
3 mental health disorders in order to reduce the number of people  
4 with mental health disorders that require law enforcement  
5 intervention and to reduce the number of people with mental  
6 health disorders in detention centers; and

7 BE IT FURTHER RESOLVED that stakeholders include but not  
8 be limited to representatives from the New Mexico association  
9 of counties; the New Mexico municipal league; the department of  
10 health; the human services department; the training and  
11 recruiting division of the department of public safety; the  
12 aging and long-term services department; the corrections  
13 department; the New Mexico behavioral health institute at Las  
14 Vegas; the New Mexico hospital association; the protection and  
15 advocacy system; federal, state and county law enforcement; and  
16 peer specialists that represent the local behavioral health  
17 collaboratives and their constituents and families; and

18 BE IT FURTHER RESOLVED that the interagency behavioral  
19 health purchasing collaborative be requested to report its  
20 findings to the appropriate interim legislative committee by  
21 December 1, 2010; and

22 BE IT FURTHER RESOLVED that copies of this memorial be  
23 transmitted to the directors of the New Mexico association of  
24 counties and the New Mexico municipal league and to the  
25 secretaries of health, human services, aging and long-term

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services and children, youth and families.

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